IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

Summons for Judgment No.233 of 2005
in
Summary suit No. 4943 of 2000

Shri Anil H.Shah ..Plaintiff

vs.

M/s Kancast Pvt.Ltd. ..Defendants

Mr.Ganesh M.Shetty for plaintiff
Ms.Ratna Jaiswal i/b Mr.Nandu Pawar for defendants.

CORAM: S.J.VAZIFDAR J.
21st NOVEMBER, 2005

P.C.

. The suit is filed to recover the price of the goods sold and delivered pursuant to the purchase orders placed by the plaintiff on the defendant and accepted by the defendant in Mumbai. The said sale was on the terms and conditions contained in the invoices. The receipt of the goods is not denied. This court has jurisdiction as admittedly the purchase order was accepted by the defendant in Mumbai. The contract was, therefore, concluded in Mumbai.

. However, after filing of the suit a sum of Rs.10,702.23 was paid. In the circumstances, summons for judgment is made absolute and the suit is decreed as prayed. However, the defendant will be entitled to credit for the said

sum of Rs.10,702.23 in the decretal amount. The plaintiff, therefore, shall not be entitled to claim interest on the said sum of Rs.10,702.23 after the filing of the suit.